

On May 6, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 75 cans of ether, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the J. T. Baker Chemical Co., Phillipsburg, N. J., from Philadelphia, Pa., alleging that the article had been shipped in part on or about December 12, 1929, and in part on or about February 5, 1930, in interstate commerce into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Ether Purified U. S. P. X." The remainder of the said article was labeled in part: "Ether Purified for Anesthesia U. S. P. X."

Analysis of a sample of the article by this department showed that the ether contained peroxide and excess acid.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of purity as determined by the tests laid down in said pharmacopœia official at the time of investigation, in that an examination showed the presence of peroxide and excess acidity. Adulteration was alleged for the further reason that the article fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statements on the labels, to wit, "Ether Purified U. S. P. X." and "Ether Purified for Anesthesia U. S. P. X.," were false and misleading.

On July 10, 1930, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be relabeled, "Ether for technical purposes only, not U. S. P., Contains peroxide and excess acid," and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17641. Misbranding of cold and la grippe tablets. U. S. v. 11 Dozen Boxes of Cold and La Grippe Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24911. I. S. No. 028298. S. No. 2232.)**

Examination of samples of a drug product known as cold and la grippe tablets from the herein described interstate shipment having shown that the labels bore claims of curative and therapeutic effects that the article was incapable of producing, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On July 14, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 dozen boxes of cold and la grippe tablets, remaining in the original unbroken packages at Trenton, N. J., alleging that the article had been shipped by Hance Bros. & White (Inc.), Philadelphia, Pa., on or about June 4, 1930, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, cinchona alkaloids (principally cinchonine), and aloin.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the display carton, retail carton, and in the accompanying circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Display carton) "La Grippe Tablets—A quick relief for La Grippe;" (retail carton) "La Grippe Tablets \* \* \* Remedy for La Grippe;" (circular) "It is a quick relief for neuralgia and malarial headache. The Remedy Acts by Removing from the System Causes of All Such Ailments. Directions \* \* \* Take two tablets every 3 or 4 hours, until bowels move freely. \* \* \* It is advisable to take one Tablet two or three times a day after the cold has been broken up in order to prevent a return."

On August 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*